



58

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

**CORAM : HON'BLE SHRI H.L. DATTU, C.J.
HON'BLE SHRI D.R. DESHMUKH, J.**

Writ Appeal No.90 OF 2007

**Appellant
Petitioner**

Raj Kumar Bajrang, S/o Shri Sona Ram Bajrang, aged about 36 years, Caste – Suryavanshi, Schedule Caste, Assistant Engineer, Elec./Mech. Heavy Machinery Division, Off. Executive Engineer Mahanadi Jalasay, Project Rudri, Distt. Dhamtari (C.G.)

Versus

Respondents

1. Secretary, Water Resources Department, Govt. of Chhattisgarh, D.K.S. Bhawan, Raipur (C.G.)
2. Engineer in Chief C/o Engineer in Chief, Water Resources Department "Shihava Bhawan", Raipur (C.G.)
3. Chief Engineer Mahanadi Jalasay Project Elec./Mech. Heavy Machines Division, Raipur (C.G.)
4. Executive Engineer Elec./Mech. Heavy Machinery Division, Rudri, Distt. Dhamtari (C.G.)
5. Shri S.L. Vchariya, Executive Engineer, Elec./Mech. Heavy Machinery Division, Planner (C.G.)

Appeal under Section 2(1) of the High Court of Chhattisgarh (Appeal to Division Bench) Act.

Present : Shri DN Prajapati, counsel for the appellant.

ORAL ORDER
(Passed on 30th April, 2007)

The following oral order of the Court was passed by H.L.Dattu, C.J. :

The appellant / petitioner was before this Court on an earlier occasion in W.P.No.6409/2006 seeking for certain reliefs. At the instance of the petitioner this Court was pleased to dispose of the writ petition with liberty to the petitioner, if he so desires to make an appropriate representation before the State Government for correction of the gradation list and also for incorporating his qualifications in his service records.

(2) After disposal of the writ petition, it appears that the petitioner had filed his objection to the provisional gradation list prepared by the respondents. It is

his grievance before this Court that the respondents have not considered his objections and also have not assigned proper ranking to him in the final seniority list. Therefore, he was before this Court in WP No.1201/2007.

(3) Learned Single Judge by his order dated 01.03.2007 has rejected the writ petition by imposing cost of Rs.500/-, payable to the Chhattisgarh High Court Legal Services Committee. Aggrieved by the said order passed by learned Single Judge, the present appeal is filed.

(4) Shri Prajapati, learned counsel appearing for the appellant would submit that the respondents without considering the objections filed by the appellant have continued to assign the same ranking to the appellant in the gradation list prepared.

(5) The employer has liberty to prepare the gradation list of his officers by assigning proper ranking to them. If for any reason, any employee is aggrieved by the ranking so assigned, he has a right to object for the ranking assigned in the gradation list. If for any reason, that objection is not considered by the employer and continues to assign him the very same ranking as that was reflected in the provisional gradation list, he is expected to question the correctness or otherwise of the ranking assigned to him in the final gradation list.

(6) In the instant case, the appellant without even questioning the final gradation list prepared by the employer is only harping on the issue that the respondents have not considered his representation and therefore, the writ Court should entertain his writ petition.

(7) In our view, the submission made by learned counsel for the appellant is devoid of any merit what so ever. As we have already stated, if for any reason, the appellant is aggrieved by the ranking assigned to him in the gradation list, he is expected to question the said list before an appropriate forum.

(8) In that view of the matter, we decline to entertain this writ appeal. Accordingly, the appeal is rejected. Ordered accordingly.

**Sd/-
Chief Justice**

**Sd/-
Dilip Raosaheb Deshmukh
Judge**